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7 DEC 04 2006 Docket No. BB-123
Serial No. 10/519,826

Remarks

In response to the written Restriction Requirement dated November 3, 2006, the applicants hereby elect, with traverse, to prosecute the Group II claims, *i.e.* claims 2, 3 and 25-27 drawn to an isolated tryptophan hydroxylase polypeptide. The applicants further elect the protein of SEQ ID NO:2.

The applicants respectfully traverse this restriction requirement to the extent that it requires a restriction between a polynucleotide sequence and the polypeptide encoded by that polynucleotide. The applicants believe that the polypeptide and polynucleotide claims of the present invention can be examined together without substantially burdening the resources of the Office.

In setting forth the grounds for finding no unity of invention, the Restriction Requirement states that there is no special technical feature shared between Groups I and II because the Search Report for the PCT application from which this case was filed indicates that a DNA encoding a neuronal tryptophan hydroxylase was known in the art and that, therefore, “a DNA encoding a neuronal tryptophan hydroxylase protein does not make a contribution over the prior art.” However, this statement cannot be correct when, as in this case, the applicants are claiming a specific sequence. In fact, this grounds for finding no lack of unity of invention is directly at odds with the requirement that the applicants elect one of three such polynucleotides exemplified in their application.

Please note that, in the international stage of the corresponding PCT application, the examiner did not find a lack of unity of invention between the polynucleotide sequences and the polypeptides encoded by these specific sequences. Thus, the applicants respectfully request examination of Group I and Group II to the extent that the claims have been amended herein to recite specific sequences (SEQ ID NO:1 as the polynucleotide and SEQ ID NO:2 as the polypeptide).

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The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



David R. Saliwanchik
Patent Attorney
Registration No. 31,794
Phone No.: 352-375-8100
Address: P.O. Box 142950
Gainesville, FL 32614-2950

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